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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,576	07/08/2003	Terry A. Kingsmore JR.	16356.811 (DC-05083)	8991

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EXAMINER	
TRAN, CON P	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/615,576	KINGSMORE ET AL.	
	Examiner	Art Unit	
	CON P. TRAN	2615	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant asserts on page 7, regarding claims 1, 11, 21, and 23:

"Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. . . .

It is beyond the understanding of Applicants as to how the Examiner attempts to apply the locking device of Howell and the battery pack of Viletto to the claimed invention."

Examiner respectfully disagrees. The claims as a whole are drawn to an information handling system, which is also disclosed in the prior art when reading the references as a whole ("relates generally to computer system, and more particularly, to a media module locking and ejecting mechanism and method for a computer system", see Howell, col. 1, lines 12-13; "relates to a self-powered portable computer", see Viletto, col. 1, lines 8-9; "relates to an expansion device connected to a compact electronic apparatus capable of being battery-driven, such as a lap-top type personal computer, see Hosoi col. 1, lines 11-14). Therefore, the differences between the prior art and the claimed invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made.

2. Applicant further asserts on pages 3-5, regarding claim 1:

"There is absolutely no teaching or suggestion in the cited and applied art which obviates a battery housing having a number of cells removed and replaced by a speaker container. Thus, there cannot be a teaching of the use of slots in the battery housing for receiving the speaker container latches. The Hosoi reference adds nothing to cure the defects of Howell and Viletto.

Another significant claimed difference is that the invention accomplishes the addition of the speaker to the battery housing without changing the dimensions of the battery housing. These significant improvements are totally ignored or overlooked, and certainly not addressed by the USPTO."

Examiner respectfully disagrees. As presented previously in the Final Office Action, Howell in view Viletto and further in view of Hosoi teaches the claimed invention and the motivations are from the references themselves; it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Hosoi to the information handling system of Howell would have yielded predicable results and resulted in an improved system that would positively latch the speaker container to the battery housing as claimed for purpose of being able easily attaching and removing, as suggested by Hosoi in column 2, lines 51-52; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the battery pack taught by Viletto with the battery of Howell in view of Hosoi such that the battery comprising a plurality of cells as claimed for purpose of being powered reliably using a pack of rechargeable batteries, as suggested by Viletto in column 1, lines 31-33. In addition, Howell, as modified, teaches the addition of the speaker to the battery housing without changing the dimensions of the battery housing (see Howell, col. 1, lines 49-62).

As such the claims remain rejected.

3. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2614.